



**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
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**PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,**

**CHIEF EXECUTIVE OFFICER,  
A. P. STATE WAQF BOARD,  
4<sup>th</sup> FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.**

**F.No.01 / CTR / M / 2016.**

**Date: 19-10-2022.**

CHITTOOR DISTRICT & TOWN - DARGAH HZT. GULAM RASOOL SAHEB - APPLICATIONS RECEIVED FOR APPOINTMENT OF MUTAWALLI - Sri MOHAMMED SHAJAHAN AND Sri MOHAMMED RASOOL APPOINTED AS MUTAWALLIES U/Sec.63 OF THE WAQF ACT, 1995 FOR A PERIOD OF TWO (2) YEARS.

**Read :** 1.This office proceedings of even No. dated:31-07-2018.

2.Orders of Hon'ble AP Waqf Tribunal in O.A. No.08 of 2018, Dated: 31-07-2019.

3.Representaion dated:25-09-2019 of Sri. Mohammed Shajahan

4.Orders of Hon'ble High Court of AP in W.P. No.17638 of 2020, Dated: 29-09-2020.

5. Representaion of Sri. Mohammed Shajahan, S/o. late M.Mohammed Mahboob Saheb, Chittoor Town and District, dated:10-03-2022.

6. Representaion of Sri. Mohammed Rasool Basha, S/o. M.Mahaboob Saheb, dated.19-07-2022.

7. Board's Resolution No.351 of 2022, dated:24-08-2022.

8. Orders of the Hon'ble Chairperson, APSWB, dated.22-09-2022.

**ORDER:**

The Waqf institution namely Dargah Hzt. Syed Gulam Rasool situated at Chittoor District & Town is a notified Waqf published in A.P. Gazette, No:26, dated: 28-06-1962 at serial No.2877 under the Mutawalliship of Sri Mohammed Hussain. The Board has appointed Sri.Md.Shajahan, S/o. M.Mahaboob Saheb as Mutawalli to the subject Dargah U/sec. 63 of Waqf Act, 1995 for a period one (1) year in the ref. 1<sup>st</sup> read above.

Aggrieved by its orders, one Sri. Mohammed Rasool has filed O.A.No.08 of 2018 challenging the Proceeding dated.31-07-2018 issued by Waqf Board and the said case was dismissed for non appearance by the petitioner and respondent and also as infructious vide ref. 2<sup>nd</sup> read above.

In the ref.3<sup>rd</sup> cited, Sri. Mohammed Shajahan has filed application dated. 25-09-2019 before the CEO, APSWB, Vijayawada with a request to recognize him as Mutawalli U/sec. 42 of Waqf Act, 1995 and the matter could not be finalized due to non functioning of the Board and due to lack of quorum.

The applicant has filed W.P.No.17638 of 2020 before the Hon'ble High Court, wherein the Hon'ble High Court directed the 2<sup>nd</sup> respondent (i.e. Waqf Board ) "to verify the representation dated 25.09.2019 said to have been submitted by the petitioner herein and pass appropriate orders / take appropriate action strictly in accordance with law as expeditiously as possible, preferably within a period of (8) weeks from the date of receipt of a copy of this order".

The petitioner has not submitted the consent from the family members. One of the family member Sri. Md. Rasool has also filed an application dated 14.02.2020 through the Inspector Auditor Waqf vide his report dated 15.02.2020 with a request to appoint him as Mutawalli to the subject Dargah along with xerox copies of death certificate of his father, family member certificate and supporting declaration by the other family members. As such it is observed that there is no consensus between the family members.

In the ref. 5<sup>th</sup> read above, Sri.Mohammed Shajahan, S/o. late M.Mohammed Mahboob Saheb, Chittoor has submitted a representation and requested to implement the orders dated:29-09-2020 of Hon'ble High Court of AP in WP No.17638 of 2020.

In the ref.6<sup>th</sup> read above Sri.Mohammed Rasool has submitted representation with a request to appoint him as Mutawalli to the subject Waqf institution.

The subject matter was placed before the Board and the Board has passed resolution No.351 of 2022, dated.24-08-2022 in the ref.7<sup>th</sup> read above to appoint Sri. Mohammed Shajahan and Sri. Mohammed Rasool as Mutawallies U/Sec.63 of the Waqf Act, 1995 for a period of two (2) years to Dargah Hzt Gulam Rasool Saheb, situated at Chittoor District and Town.

Accordingly, Sri.Mohammed Shajahan and Sri.Mohammed Rasool are hereby appointed as Mutawallies Dargah Hzt Gulam Rasool Saheb, situated at Chittoor District and Town U/sec.63 of Waqf Act,1995 for a period of two (2) years for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

**L. ABDUL KHADIR,**  
*Chief Executive Officer,*  
*A.P. State Waqf Board, Vijayawada.*

To

- 1.Sri. Mohammed Shajahan, S/o. M.Mahaboob Saheb
  - 2.Sri. Mohammed Rasool , S/o. M.Mahaboob Saheb
- Mutawallies of Dargah Hzt Gulam Rasool Saheb, Chittoor District and Town.

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